

Remarks/Arguments

Claims 1-346 are pending in the present application and subject to a restriction requirement. In particular, the Examiner has identified four groups of claims including: Group I for claims 1-200 and 228-326 drawn to an optical inspection system; Group II for claims 201-211 drawn to a light collection system; Group III for claims 212-227 drawn to a substrate holder; Group IV for claims 327-346 drawn to an illumination source. Applicants hereby elect Group I for claims 1-200 and 228-326 drawn to an optical inspection system, with traverse. However, Applicants believe that claims 1-200 and 228-326 (Group I), 201-227 and 327-346 (Groups II, III, and IV), should be properly grouped together as all of the claims are directed at an optical inspection system and the restriction is therefore improper.

MPEP § 803 specifies that the two criteria for proper restriction are: 1) the inventions are distinct; and 2) there must be a serious burden on the examiner if restriction is required. The Examiner asserts that the search required for Group I is not required for Groups II, III, and IV. (Office Action dated Nov. 10, 2005, pg. 5). However, Applicants assert that there is not a serious burden on the examiner to combine Groups I, II, III, and IV. More particularly, independent claim 201 of Group II recites elements which are similar to elements recited in claim 1, 27, 37 and 40 of Group I, by way of example. Similarly, independent claim 212 of Group III recites elements which are similar to elements recited in claims 1, 18, 64, 103, and 116 of Group I, by way of example. Independent claim 327 of Group IV recites elements which are similar to elements recited in claims 1, 27, 37-38, 44, and 89-90 of Group I, by way of example. Accordingly, Applicants note that when the Examiner searches the claims of Group I, the Examiner will also be searching claims that are substantially similar to the claims of Groups II, III, and IV. Applicants respectfully submit that the burden on the Examiner will not be serious and the scope of the search will not be significantly expanded if Groups I, II, III, and IV are combined. Therefore, the Examiner's restriction of the claims in Group I as distinct from the claims in Group II, III, and IV is improper and should be withdrawn.

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Conclusion

In view of the above, it is respectfully submitted that Claims 1-346 should be examined by the Examiner and reconsideration of the restriction requirement is respectfully requested.

The Examiner is invited to call Applicant's attorney at the number below in order to speed the prosecution of this application.

The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 07-1896 and reference Attorney Docket No. 357335-991120.

Respectfully submitted,

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By



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